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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN FRANCISCO DIVISION

11 IN RE: VOLKSWAGEN "CLEAN DIESEL"  
12 MARKETING, SALES PRACTICES, AND  
PRODUCTS LIABILITY LITIGATION

CASE NO. 3:15-md-02672-CRB

Hon. Charles R. Breyer

13 **THIS DOCUMENT RELATES TO:**

14 *All Cases*

**PLAINTIFFS' COUNSELS' JOINT  
STATEMENT RE BELLWETHER  
SELECTIONS**

15 DATE: September 13, 2019  
16 TIME: 10:00 a.m.  
COURTROOM: 6

17 TRIAL DATE: None Set  
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**PLAINTIFFS' BELLWETHER SELECTIONS**

The attorneys for the plaintiffs involved in this Multi-District Litigation have met and conferred and coordinated amongst each other in advance of this Joint Statement re Bellwether Selections. Pursuant to the Court's Order of May 14, 2019, the counsel for the respective plaintiffs involved in this matter nominate the following matters for bellwether selection:

Knight Law Group, LLP selects:

- Sanwick et. al. v. Volkswagen Group of America, Inc.
  - Case No.: 3:17-cv-03032-CRB
- Covey et. al. v. Volkswagen Group of America, Inc.
  - Case No.: 3:18-cv-06950-CRB
- Herbert v. Volkswagen Group of America, Inc.
  - Case No.: 3:18-cv-06971-CRB
- Robertson v. Volkswagen Group of America, Inc.
  - Case No.: 3:18-cv-06956-CRB
- Carlson et. al. v. Volkswagen Group of America, Inc.
  - Case No: 3:18-cv-06949-CRB
- Suh v. Volkswagen Group of America, Inc.
  - Case No.: 3:18-cv-06982-CRB

The Knight Law Group believes that trial in each of these matters can be tried in 10 to 15 days. The Knight Law Group believes that it would be most efficient to try these matters in a consolidated trial, such that the bulk of the evidence would only need to be presented once at trial, and each individual plaintiff's testimony would take up approximately one-half day. A consolidated trial may last a few days in excess of the 10 to 15 day estimate, but a consolidated trial of six (6) plaintiffs would require substantially less court time than it would to try six (6) separate cases. Six (6) individual cases would require a minimum of sixty (60) court days.

Underwood & Riemer PC selects

- Swanson v. Volkswagen Group of America, Inc.
  - Case No. 3:15-md-02672-CRB

The following attorneys and law firms have reviewed and analyzed their case files and determined that their respective cases are not a suitable or likely candidate for bellwether consideration:

- Mastando & Artrip;
- Recordon & Recordon;
- Kapke & Willerth LLC;
- John Kuder, Samuel Bearman, Artice McGraw and Michael Melkerson, collectively as co-counsel

Notwithstanding the above, each of the foregoing attorneys and law firms assert the following:

- Each of the plaintiffs represented by said attorneys and law firms have timely provided responsive Plaintiff Fact Sheets;
- None of the plaintiffs represented by said attorneys and law firms have waived, and hereby expressly reserve, their rights under *Lexecon, Inc. v. Milberg Weiss Bershad Hynes and Lerach*

The Duck Law Firm, by and through Mssrs. Dalton and Duck submitted their own Status Report Regarding Current Suitability of Individual Actions For Bellwether Trials.

1 DATED: September 6, 2019

Respectfully submitted,

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3 By: /s/ Steve Mikhov

4 KNIGHT LAW GROUP LLP  
5 Steve Mikhov  
6 Lauren Ungs  
7 Roger Kirnos  
8 Attorneys for Plaintiffs  
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